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SINCO TECHNOLOGIES PTE, LTD.

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Attorneys for Defendant
NG CHER YONG AKA CY NG and
MUI LANG TJOA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SINCO TECHNOLOGIES PTE, LTD,
Plaintiff,

v.

SINCO ELECTRONICS (DONGGUAN)
CO., LTD.; XINGKE ELECTRONICS
(DONGGUAN) CO., LTD; XINGKE
ELECTRONICS TECHNOLOGY CO.,
LTD.; SINCOO ELECTRONICS
TECHNOLOGY CO., LTD.; MUI LANG
TJOA (an individual); NG CHER YONG
aka CY NG (an individual); and LIEW
YEW SOON AKA MARK LIEW (an
individual),

Defendants.

CASE NO. 3:17CV5517 EMC

**JOINT LETTER THE RE MEET AND
CONFER ON NOVEMBER 30, 2018**

Judge: Joseph C. Spero

Pursuant to Judge C. Spero's Civil Minute Order [Dkt. 102], the parties submit this Joint Letter Re the Meet and Confer of **November 30, 2018** that memorializes their resolutions of outstanding discovery disputes. On November 30, 2018, counsels for Plaintiff SINCO TECHNOLOGIES PTE LTD. ("SinCo") and Defendant NG CHER YONG AKA CY NG ("Mr. Ng") (collectively "parties"), met and conferred on SinCo's Requests for Production of Documents Set One ("RFPD Set One") served on Mr. Ng on **April 12, 2018**.

1 The parties agree to the following resolutions with the referenced request for documents:

2 **REQUEST FOR DOCUMENTS NO. 12:**

3 *Produce all DOCUMENTS in YOUR possession and control memorializing email communications*
4 *received by YOU or sent by YOU referencing "SINCO" that are on the Microsoft computer YOU*
5 *testified was in YOUR possession and control as of February 12, 2018.*

6 Counsel for Mr. Ng (and Mr. Tjoa) indicated that the DeHeng Law Offices office intends
7 to represent Xingke Electronics (Dongguan) Co., Ltd. ("Xingke") in this matter, but conflict
8 waivers are being sorted out. Counsel for plaintiff requested that a forensic copy be made of the
9 Microsoft computer hard drive containing Mr. Ng's business files. Counsel for Mr. Ng did not
10 have the authority from Xingke to agree to this at the time of the discovery meeting, and since the
11 Microsoft computer is functional, Counsel for Mr. Ng asserted that files responsive to discovery
12 demands have been produced. As a compromise, counsel for Mr. Ng has contacted Xinkge and
13 asked for permission to hire a company (name and location to be determined) to make a copy of
14 the emails on Mr. Ng's current computer. Counsel for Mr. Ng does not expect that this will be a
15 problem since the DeHeng firm will have an opportunity to review the downloaded documents.
16 The DeHeng firm expects to receive approval and will accomplish this within a reasonable time,
17 but a company will need to be located, and the documents reviewed. Counsel for Ng shall
18 perform a review of the file downloads and look for any responsive, non-privileged additional
19 documents (which may include documents that require designations per the protective order).
20 Any attorney-client communications with the DeHeng Law Firm, the Meridar Law Firm, and any
21 of its attorneys, are not appropriate for keeping by a non-privileged third party and shall not be
22 preserved. By allowing a download of files, there is no waiver of any applicable privileges.
23

24 **REQUEST FOR DOCUMENTS NO. 13:**

25 *Produce all DOCUMENTS in YOUR possession and control memorializing email communications*
26 *received by YOU or sent by YOU referencing "SINCO" that are on the Dell Vostro computer YOU*
27 *testified was in YOUR possession and control as of February 12, 2018.*

28 The parties agreed as follows: Counsel for Mr. Ng will, within a reasonable time, request
a forensic copy be made of the Dell Vostro computer hard drive containing Mr. Ng's business

1 files, and make reasonable efforts to notify counsel for Plaintiff as to the progress. Counsel for
 2 Mr. Ng will begin a rolling production and privilege log on a weekly basis, until he has completed
 3 his review of the referenced information. Counsel for Mr. Ng believes that this can be
 4 accomplished in sixty (60) to ninety (90) days, but the Dell laptop was in use for many years the
 5 number of business files is potentially very large. Mr. Hogan will notify counsel for Plaintiff
 6 Sinco (in good faith) if completion within sixty (60) to ninety (90) days is not possible.

8 Any attorney-client communications with the DeHeng Law Firm, the Meridar Law Firm,
 9 and any of its attorneys, are not appropriate for keeping by a non-privileged third party and shall
 10 not be preserved. By allowing a download of files, there is no waiver of any applicable privileges.

11 **REQUEST FOR DOCUMENTS NO. 14:**

12 *Produce all DOCUMENTS in YOUR possession and control memorializing email communications*
 13 *received by YOU or sent by YOU to [REDACTED] Computer Inc., in the last twelve months.*

14 The Parties agreed to a sixty (60) to ninety (90) day timeframe for production of
 15 responsive documents to Request for Documents No. 14 from Mr. Ng's Dell Vostro (which
 16 requires a forensic investigation) and Mr. Ng's current Microsoft laptop computer. Parties agreed
 17 to a timeframe for responsive documents from **May 23, 2017** to present as to this request. Mr.
 18 Ng's counsel will then notify counsel for SinCo of a date certain by which Mr. Ng's counsel has
 19 received and began review of the information from Xingke Electronics (Dongguan) Co., Ltd.
 20 Prior to production to Plaintiff, counsel for Cy Ng will send [REDACTED] Computer Inc., a copy of
 21 responsive documents to be produced to SinCo, and allow them a reasonable time to review
 22 (Counsel for Cy Ng is not certain how long [REDACTED] will need, but will request a reply within 14
 23 business days). Thereafter the production will be made to SinCo.

24 **REQUEST FOR DOCUMENTS NO. 15:**

25 *Produce all VISA applications submitted by YOU to the United States Department of State for travels*
 26 *into the United States in the last five years.*

27 Mr. Ng's counsel will contact his client and walk him through the process of requesting
 28 Mr. Ng's VISA application online from the U.S. Department of State.

1 <https://ceac.state.gov/GenNIV/default.aspx> Mr. Ng's counsel agrees to be involved and assist
 2 Mr. Ng with trying to obtain a copy of his VISA application via online using, assuming Mr. Ng
 3 has them, his Application ID and security questions. Counsel for Mr. Ng will then notify SinCo's
 4 counsel as to the outcome of the Mr. Ng's request for VISA application no later than **December**
 5 **14, 2018**. In the event an application is obtained that contains private information (the identity of
 6 Mr. Ng's employer is agreed not to be private), counsel for Cy Ng shall provide a copy with such
 7 information redacted
 8

9 **REQUEST FOR DOCUMENTS NO. 16:**

10 *Produce all written agreements YOU have with SINCO ELECTRONICS (DONGGUAN) CO., LTD.*

11 **REQUEST FOR DOCUMENTS NO. 17:**

12 *Produce all written agreements YOU have with XINGKE ELECTRONICS (DONGGUAN) CO., LTD.*

13 Mr. Ng's counsel agrees to provide Mr. Ng with a more comprehensive list of documents
 14 that specify what agreements are being requested in requests 16 and 17 , such as, but not limited
 15 to documents related to: stipend agreement, live-in agreement, agreements to do an agreement,
 16 etc.

17 **REQUEST FOR DOCUMENTS NO. 18:**

18 *Produce all written agreements YOU have with SINCOO ELECTRONICS TECHNOLOGY CO., LTD.*

19 SinCo's counsel will do a request for admission to resolve this issue.

20 **REQUEST FOR DOCUMENTS NO. 19:**

21 *Produce all DOCUMENTS in YOUR possession and control that contain SINCO MARKS.*

22 The Parties agreed to a sixty (60) to ninety (90) day timeframe for production of
 23 responsive documents to Request for Documents No. 14 from Mr. Ng's computers as referenced
 24 above. Counsel for Mr. Ng will, within a reasonable time, request a forensic copy be made of the
 25 Dell Vostro computer hard drive containing Mr. Ng's business files, and make reasonable efforts
 26 to notify counsel for Plaintiff as to the progress. Counsel for Mr. Ng will begin a rolling
 27 production and privilege log on a weekly basis of non-privileged responsive documents, some of
 28 which may be marked according to the protective order, until he has completed his review of the

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1 referenced information. Counsel for Mr. Ng believes that this can be accomplished in sixty (60)
2 to ninety (90) days, but the Dell laptop was in use for many years the number of emails is
3 potentially very large. Mr. Hogan will notify counsel for Plaintiff Sinco (in good faith) if
4 completion within sixty (60) to ninety (90) days is not possible. It is understood that the native
5 files sought will not be limited to the use of "sinco," in the email address, but will refer to the
6 sinco word mark or sinco trademark(s) referenced in the documents such as email, spreadsheets
7 or presentations.
8

9 Any attorney-client communications with the DeHeng Law Firm, the Meridar Law Firm,
10 and any of its attorneys, are not appropriate for keeping by a non-privileged third party and shall
11 not be preserved. By allowing a download of files, there is no waiver of any applicable privileges.
12

13
14 Dated: December 5, 2018

ROPERS, MAJESKI, KOHN & BENTLEY

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16 By: /s/ Lael D. Andara

LAEL D. ANDARA
MICHELLE G. TREVINO
Attorneys for Plaintiff
SINCO TECHNOLOGIES PTE LTD
17
18

19 Dated: December 5, 2018

DEHENG LAW OFFICES

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21 By: 

CHRISTOPHER J. HOGAN
Attorneys for Defendant
NG CHER YONG AKA CY NG and MUI
LANG TJOA
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